

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUGUST 12, 1997

Mr. Russell F. Rhoades
Director, Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012

Dear Mr. Rhoades:

Thank you for your letter of July 2, 1997 in which you expressed concern about inadequate communication on the TRW matter between the EPA and Arizona DEQ. It appears you have found the process frustrating and we regret that. It has certainly been our intention to work cooperatively on this matter, and we appreciate the information that we have received from Arizona. In the future, I hope we can take steps to improve communication in order to expedite the decision making process.

In particular, you expressed concern that we did not promptly notify ADEQ of our determination to clarify the applicable land disposal restrictions for TRW. In that clarification, EPA determined that solidification of the K044 wastestream with pozzolonic material satisfies current regulations, as long as the solidified material no longer exhibits the potential to form reactive residues and provided the waste does not exhibit any other RCRA hazardous waste characteristic. Staff records here show we provided ADEQ with copies of our determination when your staff requested them. Our records also indicate that a few weeks after the decision was made, we attempted to transmit a fax to your staff specifying the determination. However, for some reason this fax was not successfully transmitted, causing an additional delay in providing ADEQ with the decision.

The LDR determination to which these wastes were subjected concerned treatment and disposal facilities in California and Utah (where the wastes are being treated and then placed in landfills). I believe this is one possible explanation as to why my staff did not initially alert your staff to this action. They concluded the LDR determination on wastes disposed of in other states would not have been as high a priority to Arizona as the K044 listing determination.

With respect to the reference to the meeting of November 22, 1996, we apologize for causing Arizona concern that the state was not alerted to the meeting in a timely manner. As you recognize, TRW was responsible for notifying you about any interaction with the EPA as per the Consent Decree of November 1995. Any complaints you have with TRW and their

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failure to comply with the Consent Decree in that instance should have been addressed to TRW. Of course, we will gladly notify you about any meetings between TRW and the EPA in the future.

Currently, we are still contemplating whether to consider the waste stream generated by TRW a K044 listed hazardous waste. It is a complex question that has implications on similar manufacturing plants in other states. We are presently gathering additional information before making a national determination and would be glad to share with your Department the status of that effort. We sympathize with the significant time and resources expended by ADEQ, and we invite your staff to call Rick Brandes at (703) 308-8871 with questions about the status of the regulatory determination.

Sincerely;

Elizabeth Cotsworth, Acting Director
Office of Solid Waste